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BEFORE THE CITY COUNCIL
OF THE CITY OF LAS VEGAS, NEVADA

* * *

IN THE MATTER OF:

DEPARTMENT OF FINANCE AND
BUSINESS SERVICES on behalf of the
CITY OF LAS VEGAS, NEVADA,

Petitioner,

vs.

MULUGETA BOUR d/b/a OAKY
DISCOUNT MARKET,

Respondent.

**COMPLAINT FOR
DISCIPLINARY ACTION**

The DEPARTMENT OF FINANCE AND BUSINESS SERVICES, on behalf of the
CITY OF LAS VEGAS, NEVADA (Department), Petitioner, brings this Complaint for
Disciplinary Action against MULUGETA BOUR d/b/a OAKY DISCOUNT MARKET,
1616 Las Vegas Boulevard South, Las Vegas, Clark County, Nevada, Respondent, and states:

Respondent MULUGETA BOUR d/b/a OAKY DISCOUNT MARKET, holds
Beer/Wine/Cooler Off-Sale License No. L10-00246-4-001072, Convenience Store License No.
C15-00321-4-107408, and Retail Tobacco License No. C05-02325-D-107408.

SUMMARY OF ALLEGATIONS

Mulugeta Bour is the sole proprietor of Oakey Discount Market. Starting in March
2003, he was granted a number of temporary Beer/Wine/Cooler Off-Sale licenses by the
Las Vegas City Council. Finally, in June 2004, he was granted a permanent license. Between
May 2003 and April 2006 Mr. Bour was cited and arrested by the Las Vegas Metropolitan
Police Department for Failure to Possess a Health Card, Failure to Possess an Alcohol

1 Awareness Card, Failure to Maintain an Employee List, and Sale of Narcotics

2 **Paraphernalia, a felony.**

3 On April 27, 2006, Mr. Bour appeared before the Las Vegas Planning Commission
4 seeking a special use permit to sell beer and wine at Fourth Street Market, 113 North Fourth
5 Street, Las Vegas, Clark County, Nevada. **Mr. Bour told Commissioner Steinman he had**
6 **never had problems with Metro at his other place of business, Oakey Discount Market. He**
7 **lied.** In truth and fact, Mr. Bour had been arrested by the Las Vegas Metropolitan Police
8 Department April 13, 2006, at Oakey Discount Market for a felony, Sale of Narcotics
9 Paraphernalia to an undercover officer.

10 Mulugeta Bour violated the law in the operation of his business. Substantial
11 information exists to believe that he is dishonest and corrupt. He engaged in a deceptive
12 practice upon the public when he lied to a public body, the Las Vegas Planning Commission.

13 **PROCEDURAL HISTORY**

14 The Las Vegas City Council issued a temporary license for beer/wine/cooler off-sale to
15 Mulugeta Bour on March 5, 2003. The license provided for a six-month review of Oakey
16 Discount Market. On September 3, 2003, a six-month review was conducted before the City
17 Council. The Council was informed that warning notices had been written to Mr. Bour for
18 selling single containers of beer. Mr. Bour admitted that he had engaged in this conduct on
19 one occasion. He also admitted not posting an employee list, but told the City Council that he
20 had one. He also admitted to not having a valid health card in his possession when Metro
21 Special Investigations detectives asked to inspect it, but stated that he had left it in his wallet in
22 his car. He apologized. The City Council granted an extension to the temporary license.

23 The matter appeared on the March 3, 2004-agenda but was abeyed to March 17, 2004,
24 when a second extension to the temporary license was granted.

25 On June 16, 2004, the City Council granted a permanent license to sell beer and wine,
26 including single containers.

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VIOLATIONS OF LAW

1
2 **On May 29, 2003**, officers of the Las Vegas Metropolitan Police Department
3 determined that Mulugeta Bour did not possess a health card, an alcohol awareness card, or an
4 employee list.

5 **On June 12, 2003**, officers of the Las Vegas Metropolitan Police Department
6 determined that Nuriden Shifa, an employee at Oakey Discount Market, did not possess a
7 work card. They also determined that Mr. Bour did not have a completed work card list with
8 employees' work card numbers. Finally, it was noted that he had not posted his business
9 license.

10 **On August 21, 2003**, officers of the Las Vegas Metropolitan Police Department
11 determined that Mr. Bour did not have an employee list.

12 **On April 13, 2006**, an officer of the Las Vegas Metropolitan Police Department acting
13 in an undercover capacity purchased narcotics' paraphernalia from Mulugeta Bour at Oakey
14 Discount Market. The officer purchased a "set up," specifically a three-inch galls tube
15 containing a plastic rose and a chor boy brillo pad placed in a brown paper bag. Thereafter,
16 Mr. Bour was arrested for **felony Sale of Narcotics Paraphernalia**. During the course of the
17 arrest he showed officers that he stored the chor boys in the bathroom, and the glass pipes
18 under the cash register. Two hundred and eighty-eight (228) glass pipes were found in a box
19 under the cash register, with an additional thirty (30) pipes in the cash register. Officers noted
20 a sign in the store which read "If you don't see what you want, ask for it."

21 The officer involved formed an opinion, based on his training and experience, and
22 from a consideration of all the circumstances, that the "set ups" being sold by Mulugeta
23 Bour were narcotics paraphernalia intended to facilitate smoking crack cocaine. One of
24 the circumstances considered by the officer was that Sergeant Wally of the Downtown Area
25 Command had warned Mulugeta Bour four months earlier that the sale of narcotics
26 paraphernalia was a crime.

27 **On April 27, 2006**, Mulugeta Bour appeared before the Las Vegas Planning
28 Commission on Agenda Item No. 25, an application for special use permit to utilize Fourth

1 Street Market, located at 113 North Fourth Street, Las Vegas, Clark County, Nevada, for
2 the sale of beer and wine. During the course of the hearing Mr. Bour entered into
3 conversation with Commissioner Steinman. He told Commissioner Steinman that he had
4 never had problems with Metro at his other place of business, Oakey Discount Market, located
5 at 1616 Las Vegas Boulevard South, Las Vegas, Clark County, Nevada. This was a lie. Mr.
6 Bour had been arrested two weeks earlier on April 13, 2006, by officers of the Las Vegas
7 Metropolitan Police Department. They arrested him for felony Sale of Narcotics
8 Paraphernalia, "set ups" intended to facilitate smoking crack cocaine.

9 **THE LAW**

10 LAS VEGAS MUNICIPAL CODE (LVMC) § 6.06.250(A) and (B)(6), (7), and (10)

11 provide:

12 A licensee may be subject to disciplinary action as set
13 forth in Sections 6.02.330 through 6.02.360.

14 A principal approved for suitability may be subject to
15 **disciplinary action** by the City Council for good cause, which
16 may include, but is not limited to:

17

18 **The principal has committed acts which would
19 constitute a crime** involving moral turpitude or involving any
20 Federal, State or local law or regulation relating to the same or a
21 similar business;

22 When substantial information exists which tends to show
23 that **the principal is dishonest** or corrupt;

24

25 The principal has engaged in **deceptive practices** upon the
26 public [Emphasis added.]

27 LVMC § 6.02.330(H) provides:

28 The licensee may be subject to disciplinary action by the
City Council for good cause, which may, without limitation,
include:

. . . .

The actual business activity constitutes a public or private
nuisance, or has been or is being **conducted in an unlawful,**
illegal or impermissible **manner**. [Emphasis added.]

1 LVMC § 6.50.440 provides:

2 It is unlawful for any of the following to be employed in
3 the retail sales of alcoholic beverages for on or off premises
4 consumption without having in his or her possession a valid **work**
5 **card** for alcoholic beverages pursuant to LVMC Chapter 6.86:

6 (A) A manager;

7 (B) Any employee who pours or serves alcoholic
8 beverages for on premises consumption; or

9 (C) Any employee who accepts payment for the sale or
10 delivery of alcoholic beverages for off premises consumption.
11 [Emphasis added.]

12 LVMC § 6.50.570 provides:

13 The **completion card** or a copy thereof issued by the
14 instructor of an **alcohol awareness training** course or refresher
15 course to a person successfully completing the course must be
16 available during the work shift on the premises where the person,
17 as an employee, is serving, selling or distributing alcoholic
18 beverages for inspection by Metro, City or other governmental
19 personnel. [Emphasis added.]

20 LVMC § 6.02.350 provides:

21 A licensee under this Chapter shall be subject to
22 **disciplinary action not only for acts or omissions done by such**
23 **licensee but also for acts and omissions done by the principals,**
24 **managers, agents, representatives, servants or employees of such**
25 **licensee.** [Emphasis added.]

26 Nevada Revised Statute (NRS) 453.560 provides:

27 Unless a greater penalty is provided in NRS 212.160, a
28 person who delivers or sells, possesses with the intent to deliver
or sell, or manufactures with the intent to deliver or sell any
drug paraphernalia, knowing, or under circumstances where
one reasonably should know, that it will be used to plant,
propagate, cultivate, grow, harvest, manufacture, compound,
convert, produce, prepare, test, analyze, pack, repack, store,
contain, conceal, inject, ingest, inhale or otherwise introduce into
the human body a controlled substance in violation of this chapter
is guilty of a **category E felony** and shall be punished as
provided in NRS 193.130. [Emphasis added.]

29 NRS 453.554(11)(a) and (b) provides:

30 As used in NRS 453.554 to 453.566, inclusive, unless the
31 context otherwise requires, "**drug paraphernalia**" means all
32 equipment, products and materials of any kind which are used,
33 intended for use, or designed for use in planting, propagating,
34 cultivating, growing, harvesting, manufacturing, compounding,

1 converting, producing, preparing, testing, analyzing, packaging,
2 repackaging, storing, containing, concealing, injecting, ingesting,
3 inhaling or otherwise introducing into the human body a
4 controlled substance in violation of this chapter. The term
5 includes, but is not limited to:

6

7 **Objects used, intended for use, or designed for use in**
8 **ingesting, inhaling or otherwise introducing marijuana, cocaine,**
9 **hashish or hashish oil into the human body, such as:**

10 Metal, wooden, acrylic, glass, stone, plastic or ceramic
11 pipes with or without screens, permanent screens, hashish heads
12 or punctured metal bowls;

13 Water pipes [Emphasis added.]

14 **EVIDENCE**

15 LVMC § 6.88.090 provides:

16 (A) **The hearing need not be conducted according to**
17 **technical rules relating to evidence and witnesses.** Any relevant
18 evidence may be admitted.

19 (B) The respondent shall have the right to call and
20 examine witnesses on his own behalf, cross-examine opposing
21 witnesses, introduce exhibits and evidence relevant to the issues
22 of the case, and offer rebuttal evidence.

23 (C) The respondent may be called and examined by the
24 City.

25 (D) The Clerk shall have the power to issue subpoenas for
26 witnesses to appear to give testimony. [Emphasis added.]

27 **PENALTY**

28 LVMC § 6.02.360 provides:

Upon a showing of good cause and in the discretion of the
City Council, disciplinary action against a holder may take the
form of cancellation, **revocation**, refusal to renew, **suspension**,
imposition of conditions or restrictions or civil **fine** in an amount
not to exceed one thousand dollars for each day that the violation
which forms the subject matter of the complaint that recommends
such disciplinary action is demonstrated to have been in
existence, or any combination of such actions, as the particular
situation may require. The Council may also impose against the
licensee the actual costs incurred, and a reasonable amount for
attorney's fees, resulting from the imposition of disciplinary
action. The disciplinary actions available in this Section shall be

1 in addition to, and not exclusive of, any other civil or criminal
2 remedy which otherwise might be available. [Emphasis added.]

3 **ALLEGATION**

4 It is alleged that between May 29, 2003, and April 13, 2006, Mulugeta Bour d/b/a
5 Oakey Discount Market operated the business so that the actual business activity constituted a
6 public or private nuisance, and was conducted in an unlawful, illegal or impermissible manner.
7 It is further alleged that Mulugeta Bour committed acts which constitute crimes under state and
8 local law. Mulugeta Bour has demonstrated that he is dishonest and corrupt by lying to the
9 Las Vegas Planning Commission. Further, he engaged in a deceptive practice upon the public
10 when he lied to members that public body.

11 WHEREFORE, the Petitioner respectfully requests the City Council to:

12 A. Approve the Complaint for Disciplinary Action and order a disciplinary hearing
13 at which the Respondent shall appear and show cause why the licenses that are the subject of
14 this Complaint should not be suspended or revoked, or other disciplinary action taken; or

15 B. Grant such other and further relief as the Council deems appropriate.

16 DATED this 8th day of November, 2006.

17 RESPECTFULLY SUBMITTED:

18
19 By: 

20 MARK R. VINCENT, Director
Finance and Business Services

21 BRADFORD R. JERBIC
22 City Attorney

23 By: 

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